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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,878	07/12/2001	Behzad Mohebbi	FUJL 18.592	7460
26304	7590	07/13/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			PHAN, HUY Q	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/807,878	<b>Applicant(s)</b> MOHEBBI, BEHZAD	
	<b>Examiner</b> Huy Q. Phan	<b>Art Unit</b> 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 31-64 is/are pending in the application.
- 4a) Of the above claim(s) 31-43, 48-62 and 64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-47 and 63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. This Office Action is in response to Amendment filed on date: 06/17/2005.  
Claims 44-47 and 63 are still pending.

***Response to Arguments***

2. Applicant's arguments, see remarks, filed on 2005, with respect to the rejection(s) of claim(s) 44-47 and 63 under 102 (e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 44-47 and 63 are rejected under 35 U.S.C. 102(e) as being anticipated by Sporre (US-5,966,657).

Regarding claim 1, Sporre discloses a mobile station (fig. 1, M9), for use in a cellular communications network (fig. 1 and its description), comprising: a call setup information receiving portion, operable in a call setup process for setting up a call between the network and the mobile station *[each mobile is sent a list of neighboring cell frequency channels when it initially becomes active within a cell means of system 5 information on the SACCH (col. 9, lines 59-62)]*, to receive from a first base transceiver station of the network call setup information for use by the mobile station to allocate respective uplink and downlink channels between the mobile station and at least one further base transceiver station of the network *[The SACCH block includes an L1 header 22 as well as a message portion which may include, for example, on the downlink, system information from the base station to the mobile....388 different channels....automatic frequency allocations for frequency planning within the system. (col. 10, lines 9-67)]*;

a call setup information storage portion which stores the received call setup information *[each mobile is sent a list of neighboring cell frequency channels when it initially becomes active within a cell means of system 5 information on the SACCH...This list of neighboring channel BCCH frequencies is stored in the memory of the mobile (col. 9, lines 59-62)]*; and

a hand-off control portion operable initially, following completion of said call setup process, to cause the mobile station to communicate with said first base transceiver station *[The mobile uses this idle mode BA-list to measure the BCCH carriers among its currently serving base station and the base stations serving cells neighboring the one it*

*is in to determine which has the strongest signal and, thus, which it should camp on for purposes of receiving or originating a call. Once the idle mobile becomes active and a call is being set up to or from it, the mobile is sent an active BA list on the slow associated control channel (SACCH) in the form of system information type 5 (col. 3, lines 23-48)] and operable when, during the course of the call it is determined that the mobile station should communicate with the, or one of the, further base transceiver stations, to employ the stored call setup information received in the call setup process to activate said uplink and downlink channels between the mobile station and that further base transceiver station [when a new connection is established to a mobile station by a base station, the base station orders that mobile station to make periodic signal quality measurements on the downlink BCCH channels of the base stations serving the cells which are neighbors to the one in which the mobile is located. These measurements are regularly made and reported back to the base station and network which uses it to construct a list of neighboring cells which are candidates for possible hand-off of the mobile in the event its radio connection to its serving base station deteriorates and its signal quality becomes unacceptable. Once a mobile station is handed over to a neighboring cell it receives a new list of neighboring cell BCCH-carrier frequencies on which it regularly and systematically measures the signal quality. These signal quality measurements are used to formulate a new hand-off cell candidate list and to estimate the quality of signal the mobile might receive on the traffic channels within those cells (col. 7, line 61-col. 8, line 11)].*

Regarding claim 45, Sporre discloses the mobile station as claimed in claim 44, further comprising: a monitoring portion which produces a signal measure for said first base transceiver station and for the or each further base transceiver station, which signal measure serves to indicate the performance of a communications channel between the mobile station and the base transceiver station concerned *[when a new connection is established to a mobile station by a base station, the base station orders that mobile station to make periodic signal quality measurements on the downlink BCCH channels of the base stations serving the cells which are neighbors to the one in which the mobile is located. These measurements are regularly made and reported back to the base station and network which uses it to construct a list of neighboring cells which are candidates for possible hand-off of the mobile in the event its radio connection to its serving base station deteriorates and its signal quality becomes unacceptable. Once a mobile station is handed over to a neighboring cell it receives a new list of neighboring cell BCCH-carrier frequencies on which it regularly and systematically measures the signal quality. These signal quality measurements are used to formulate a new hand-off cell candidate list and to estimate the quality of signal the mobile might receive on the traffic channels within those cells (col. 7, line 61-col. 8, line 11)]*.

Regarding claim 46, Sporre discloses the mobile station as claimed in claim 45, further comprising a base transceiver station selection portion which determines, in

dependence upon said signal measures, with which of the base transceiver stations the mobile station should communicate (col. 8, lines 56-65).

Regarding claim 47, Sporre discloses the mobile station as claimed in claim 46, wherein the mobile station further comprises: a message portion operable to include, in one or more uplink signals transmitted by the mobile station, an uplink control message identifying the or each determined base transceiver station (col. 8, line 56-col. 9, line 38).

Regarding claim 63, Sporre discloses a mobile station (fig. 1, M9), for use in a cellular communications network (fig. 1 and its description), comprising:

call setup information receiving means, operable in a call setup process for setting up a call between the network and the mobile station *[each mobile is sent a list of neighboring cell frequency channels when it initially becomes active within a cell means of system 5 information on the SACCH (col. 9, lines 59-62)]*, to receive from a first base transceiver station of the network call setup information for use by the mobile station to allocate respective uplink and downlink channels between the mobile station and at least one further base transceiver station of the network *[The SACCH block includes an L1 header 22 as well as a message portion which may include, for example, on the downlink, system information from the base station to the mobile....388 different channels....automatic frequency allocations for frequency planning within the system. (col. 10, lines 9-67)]*;

call setup information storage means for storing the received call setup information *[each mobile is sent a list of neighboring cell frequency channels when it initially becomes active within a cell means of system 5 information on the SACCH...This list of neighboring channel BCCH frequencies is stored in the memory of the mobile (col. 9, lines 59-62)];* and

hand-off control means operable initially, following completion of said call setup process, to cause the mobile station to communicate with said first base transceiver station *[The mobile uses this idle mode BA-list to measure the BCCH carriers among its currently serving base station and the base stations serving cells neighboring the one it is in to determine which has the strongest signal and, thus, which it should camp on for purposes of receiving or originating a call. Once the idle mobile becomes active and a call is being set up to or from it, the mobile is sent an active BA list on the slow associated control channel (SACCH) in the form of system information type 5 (col. 3, lines 23-48)]* and operable when, during the course of the call it is determined that the mobile station should communicate with the, or one of the, further base transceiver stations, to employ the stored call setup information received in the call setup process to activate said uplink and downlink channels between the mobile station and that further base transceiver station *[when a new connection is established to a mobile station by a base station, the base station orders that mobile station to make periodic signal quality measurements on the downlink BCCH channels of the base stations serving the cells which are neighbors to the one in which the mobile is located. These measurements are regularly made and reported back to the base station and network which uses it to*



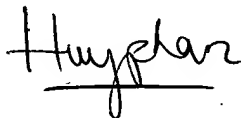
*construct a list of neighboring cells which are candidates for possible hand-off of the mobile in the event its radio connection to its serving base station deteriorates and its signal quality becomes unacceptable. Once a mobile station is handed over to a neighboring cell it receives a new list of neighboring cell BCCH-carrier frequencies on which it regularly and systematically measures the signal quality. These signal quality measurements are used to formulate a new hand-off cell candidate list and to estimate the quality of signal the mobile might receive on the traffic channels within those cells (col. 7, line 61-col. 8, line 11)].*

#### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Examiner: Phan, Huy Q.

AU: 2687

Date: 07/01/2005

  
7/11/05  
LESTER G. KINCAID  
PRIMARY EXAMINER